

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

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In re: :  
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THE FINANCIAL OVERSIGHT AND : PROMESA  
MANAGEMENT BOARD FOR PUERTO RICO, : Title III  
:  
as representative of : Case No. 17-BK-3283 (LTS)  
:  
THE COMMONWEALTH OF PUERTO RICO, *et al.*, : (Jointly Administered)  
:  
Debtors.<sup>1</sup> :  
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:  
In re: :  
:  
THE FINANCIAL OVERSIGHT AND : PROMESA  
MANAGEMENT BOARD FOR PUERTO RICO, : Title III  
:  
as representative of : Case No. 17-BK-4780 (LTS)  
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PUERTO RICO ELECTRIC POWER AUTHORITY, *et al.*, :  
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Debtors. :  
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THE FINANCIAL OVERSIGHT AND : Adv. Proc. No. 19-00391 (LTS)  
MANAGEMENT BOARD FOR PUERTO RICO, :  
:  
as representative of : PROMESA  
:  
Title III  
:  
PUERTO RICO ELECTRIC POWER AUTHORITY, :  
Plaintiff, :  
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<sup>1</sup> The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233 (LTS)) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

v. :  
: :  
: :  
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE :  
Defendant. :  
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**INFORMATIVE MOTION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS REGARDING (A) SEPTEMBER 29, 2022 SCHEDULING ORDER AND (B) STATUS OF DISCUSSIONS WITH OVSIGHT BOARD REGARDING COMMITTEE’S INTERVENTION AS CO-PLAINTIFF**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors of all Title III Debtors (the “Committee”)<sup>2</sup> hereby submits this informative motion (i) in connection with the above-captioned adversary proceeding (the “Adversary Proceeding”) and (ii) advising the Court of the status of the Committee’s discussions with the Oversight Board regarding consensual intervention in the Adversary Proceeding, and respectfully states as follows:

1. The Oversight Board commenced this Adversary Proceeding on July 1, 2019 through the filing of its initial complaint challenging the validity and extent of the purported liens securing approximately \$8.5 billion (including prepetition interest) in non-recourse bonds (such bonds the “PREPA Bonds” and the holders of such bonds the “Bondholders”).<sup>3</sup>

2. On September 29, 2022, the Court entered the *Order (A) Granting in Part and Denying in Part Urgent Motion of Financial Oversight and Management Board for Order (I) Establishing Schedule to Continue Negotiations During Litigation of Gating Issues Pursuant To Litigation Schedule and (II) Granting Related Relief and (B) Staying Certain Motions Filed*

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<sup>2</sup> The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

<sup>3</sup> See Docket No. 1 in Adv. Pro. No. 19-391-LTS.

by *PREPA Bondholders* (the “Scheduling Order”).<sup>4</sup> Pursuant to that order, the Court, among other things, established (i) a September 30, 2022 deadline for the Oversight Board to file an amended adversary complaint and (ii) an October 6, 2022 deadline for parties to request intervention with respect to summary judgment motion practice in this Adversary Proceeding.

3. As the Court is well aware, the Committee has been advocating for several years that the threshold questions as to (a) the scope of the PREPA bondholders’ security interest and (b) the non-recourse nature of the PREPA bonds should be litigated. Now that this litigation is finally going forward, the Committee seeks to intervene in this Adversary Proceeding as a co-plaintiff. In order to obviate the need for motion practice, the Committee has been in discussions with the Oversight Board regarding a stipulation and agreed order that would govern the terms of the Committee’s intervention as a co-plaintiff. While these discussions are in an advanced stage and the parties have exchanged drafts of such a stipulation, the parties have not yet reached final agreement on the term on that stipulation. However, based on the discussions with counsel to the Oversight Board, the Committee is hopeful that the stipulation will be finalized in the near future.

4. In light of the foregoing, the Committee believes that it would be wasteful to prepare a separate motion to intervene in the Adversary Proceeding; however, because no final agreement has been reached prior to the Scheduling Order’s October 6 deadline, the Committee files this informative motion advising the Court that (a) it intends to intervene in this Adversary Proceeding as a co-plaintiff and (b) the Committee reserves all its rights in the event that no

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<sup>4</sup> See Docket No. 22 in Adv. Pro. No. 19-391-LTS.

agreement is reached with the Oversight Board regarding the terms of the Committee's intervention in this Adversary Proceeding.

*[Remainder of page intentionally left blank.]*

WHEREFORE, the Committee respectfully requests that the Court take notice of the above.

Dated: October 6, 2022

/s/ Luc A. Despins

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- and -

/s/ Juan J. Casillas

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